

# PETITION FOR SPECIAL HEARING 84-228-SFH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve of a restaurant at 601 Bowley's Quarters Road, pursuant to a Special Permit granted by the Zoning Commissioner of Baltimore County on June 15, 1951.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Margaret R. Sudek, Individually  
(Type or Print Name)  
Signature: Margaret R. Sudek, Personal Representative of the Estate of Frank J. Sudek  
Address: 601 Bowley's Quarters Road, 15th District  
City and State: Baltimore, Maryland 21204

Attorney for Petitioner: G. Scott Barhight  
(Type or Print Name)  
Signature: G. Scott Barhight  
Address: Rt. 15, Box 335, Choptank Avenue, Baltimore, Maryland 21220  
City and State: Baltimore, Maryland 21220  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: G. Scott Barhight, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, 823-7800  
Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of February, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 8th day of March, 1984, at 10:45 o'clock A.M.

Cal Jahn  
Zoning Commissioner of Baltimore County.

B.C.O.-No. 1 (over)

# PETITION FOR SPECIAL HEARING 84-228-SFH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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Attorney for Petitioner: G. Scott Barhight  
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Cal Jahn  
Zoning Commissioner of Baltimore County.

B.C.O.-No. 1 (over)

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
E/S of Bowley's Quarters Road, : OF BALTIMORE COUNTY  
150' N of Glenwood Rd., :  
(601 Bowley's Quarters Rd.), :  
15th District :  
MARGARET R. SUDEK, Individually: Case No. 84-228-SFH  
and as Per. Rep. of Estate of :  
Frank J. Sudek, Petitioner :

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Deputy People's Counsel  
Tm. 223, Court House  
Towson, MD 21204  
494-2168

I HEREBY CERTIFY that on this 21st day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 204 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman  
Phyllis Cole Friedman

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 28, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
County Administration  
Industrial Development

G. Scott Barhight  
204 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 84-228-SFH (Item No. 205)  
Petitioner - Margaret R. Sudek  
Special Hearing Petition

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This hearing originated as a result of a request to approve a liquor license for this property. Since it is zoned residential, the Zoning Commissioner required this hearing to determine if the existing restaurant should be considered a nonconforming use.

As you are aware, this property was the subject of a previous zoning hearing Case #2006-S, which granted the existing use. In this order, restrictions were placed on development of this site. At the time of the scheduled hearing, you should have verification that these restrictions have been satisfied.

At the time of this writing, comments from members of this Committee were not available. If any comments are received in the future that offer information, they will be forwarded to you. Otherwise, they will be placed in the hearing file. This hearing was accepted on the date of the enclosed certificate and a hearing date scheduled accordingly.

Very truly yours,  
Nicholas B. Commodari, Dec  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBG:mch

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dabel, Superintendent

Towson, Maryland - 21204

Date: February 21, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: February 14, 1984

RE: Item No: 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214.  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/lh

IN RE: PETITION SPECIAL HEARING : BEFORE THE  
E/S of Bowley's Quarters Road, : ZONING COMMISSIONER  
150' N of Glenwood Road (601 :  
Bowley's Quarters Road) - :  
15th Election District :  
Margaret R. Sudek and the : Case No. 84-228-SFH  
Estate of Frank J. Sudek, :  
Petitioners :

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation as to a nonconforming use of their restaurant which was granted a special permit on June 15, 1951, as more fully described in Case No. 2006-S, Petitioners' Exhibit 2.

The Petitioner, Margaret R. Sudek, appeared and was represented by Counsel. There were no Protestants.

Testimony indicated that the Petitioners filed a Petition for Special Permit for a restaurant in a residential zone in 1951. The special permit was granted by the then Zoning Commissioner with certain restrictions. The Petitioners utilized the special permit upon completion of the construction of the restaurant in 1954 and have been operating continuously since that time. They now wish to sell the restaurant and in order for the Contract Purchaser to have the liquor license transfer approved, this hearing is required to legitimize the use since the property is presently zoned D.R.16 and does not permit a restaurant as a matter of right or by special exception.

The Baltimore County Zoning Regulations (BCZR) in existence in 1951 were those promulgated and implemented as of September 1, 1948. At that time, they did not permit a restaurant in a residential zone either as a matter of right or by special exception, previously referred to as special permit. See Section XIII, 1948 BCZR. However, special permits could be issued by the Zoning Commissioner for a temporary use for a period of two years or by extension for a



The Order granting the special permit for a restaurant in fact grants a special exception, which runs with the land. Therefore, there is no need to declare the use as "nonconforming". A special exception was granted to the Petitioner by Order of June 15, 1951, pursuant to the site plan submitted therein. Notwithstanding the failure to describe the permit as temporary, the language of the Order is controlling. The change from the 1948 BCZR to the 1955 BCZR grandfathered the use and the issue of temporary versus permanent is moot. A defense of equitable estoppel would exist to the Petitioner if any other conclusion were to be reached. Estoppel always requires proof that the party against whom estoppel is claimed must do or say something calculated or intended to induce another party to believe that certain facts exist and to act on that belief. The other party must also change its position in reliance on those facts, thereby causing injury. There must be good faith by a party acting on affirmative acts of the municipality. Saah v. District of Columbia Bd. of Zoning Adjustment, 433 A.2d 1114 (D.C., 1981). In municipal zoning cases, however, estoppel may be invoked only with great caution, only when special circumstances make it highly inequitable or oppressive to enforce the regulations. 8A McQuillin, Municipal Corps, Sections 25.349 and 27.56; 3 Rathkopf, The Law of Zoning & Planning, 45-38. The defense of estoppel is based on a substantial burden of proof, a requirement to show that the agents of Baltimore County acted to induce reliance and that such reliance was to the owner's detriment to such an extent that enforcement of the BCZR would be "highly inequitable or oppressive". Zoning Commissioner v. Lescynski, 453, A.2d 1144 (Conn., 1982). Certainly, any such defense would be applicable and warranted here if any contradecision were to be determined.

The Petitioners seek relief pursuant to Section 500.7, BCZR.

# PETITION FOR SPECIAL HEARING

15th Election District

ZONING: Petition for Special Hearing  
LOCATION: East side Bowley's Quarters Road, 150 ft. North of Glenwood Road (601 Bowley's Quarters Road)  
DATE & TIME: Thursday, March 8, 1984 at 10:45 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve of a restaurant at 601 Bowley's Quarters Road, pursuant to a Special Permit granted by the Zoning Commissioner of Baltimore County on June 15, 1951.

Being the property of Margaret R. Sudek, individually and as Personal Representative of the Estate of Frank J. Sudek, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Description of 601 Bowley's Quarters Road,  
Baltimore, Maryland 21220

All that parcel of land on the east side of Bowley's Quarters Road, 150 feet north of Glenwood Road, thence southerly, on the east side of Bowley's Quarters Road, 310 feet, thence North 62 degrees, 9 feet east 273.97 feet, thence North 13 degrees, 42 feet west 239.2 feet, thence 200 feet to the point of beginning.

Margaret R. Sudek, Petitioner  
January, 1984

IN THE PETITION FOR SPECIAL HEARING  
601 Bowley's Quarters Road,  
150 ft. N. of Glenwood Road  
Bowley's Quarters Road -  
15th Election District  
Margaret R. Sudek and the  
Estate of Frank J. Sudek,  
Petitioners  
vs.  
BALTIMORE COUNTY  
Case No. 2506-S  
OFFICE OF THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 2506-S

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation as to a nonconforming use of their restaurant which was granted a special permit on June 15, 1951, as more fully described in Case No. 2506-S, Petitioners' Exhibit 2.

The Petitioner, Margaret R. Sudek, appeared and was represented by Counsel. There were no Protestants.

Testimony indicated that the Petitioners filed a Petition for Special Permit for a restaurant in a residential zone in 1951. The special permit was granted by the then Zoning Commissioner with certain restrictions. The Petitioners utilized the special permit upon completion of the construction of the restaurant in 1954 and have been operating continuously since that time. They now wish to sell the restaurant and in order for the Contract Purchaser to have the liquor license transfer approved, this hearing is required to legitimize the use since the property is presently zoned D.R.16 and does not permit a restaurant as a matter of right or by special exception.

The Baltimore County Zoning Regulations (BCZR) in existence in 1951 were those promulgated and implemented as of September 1, 1948. At that time, they did not permit a restaurant in a residential zone either as a matter of right or by special exception, previously referred to as special permit. See Section XIII, 19-8 BCZR. However, special permits could be issued by the Zoning Commissioner for a temporary use for a period of two years or by extension for a

maximum of four years for a retail business in any residential zone. See Section XIV.A.3, 1948 BCZR. Certainly, a restaurant is a retail business. Although the Zoning Commissioner did not refer to either a temporary permit or a time restriction in his Order, it is obvious that the only way a special permit could have been granted was by issuance of a temporary permit.

It is equally obvious that the Petitioners were entitled to proceed under the plain and clear language of the Order which granted a special permit for a restaurant with restrictions. As long as those restrictions are met, the Petitioners have a right to rely on the language and to operate their restaurant.

It is clear that the use of the terms "special permit" and "special exception" is interchangeable and that the import of either is the same. The then BCZR indicated a loose interchangeability of the terms on one hand, but on the other hand also began the process of differentiation between them. Although, the term "special exception" is contained in the title to Section XIII, the text of the section only contains the term "special permit". Indeed, the preamble of Section XIII provides that "...such uses may be permitted only upon a special permit granted by the Zoning Commissioner, subject to appeal..." It appears that the special permit authorized the special use, the total effect of which could be described as a special exception. Whether any differentiation between the two is identified and whether the species "special exception" is now part of the genus "special exception" is immaterial to the issue herein. The term "special exception" refers to the whole and to a part of the whole. The granting of a "special permit" falls within the broad definition of "special exception". The species "special permit" falls within the broad definition of "special exception". The species "special permit" is indisputably a member of the genus "special exception". See Hofmeister v. Frank Realty Co., 373 A.2d 273 (1977).

The Order granting the special permit for a restaurant in fact grants a special exception, which runs with the land. Therefore, there is no need to declare the use as "nonconforming". A special exception was granted to the Petitioner by Order of June 15, 1951, pursuant to the site plan submitted therein. Notwithstanding the failure to describe the permit as temporary, the language of the Order is controlling. The change from the 1948 BCZR to the 1955 BCZR grandfathered the use and the issue of temporary versus permanent is moot. A defense of equitable estoppel would exist to the Petitioner if any other conclusion were to be reached. Estoppel always requires proof that the party against whom estoppel is claimed must do or say something calculated or intended to induce another party to believe that certain facts exist and to act on that belief. The other party must also change its position in reliance on those facts, thereby causing injury. There must be good faith by a party acting on affirmative acts of the municipality. Saah v. District of Columbia Bd. of Zoning Adjustment, 433 A.2d 1114 (D.C., 1981). In municipal zoning cases, however, estoppel may be invoked only with great caution, only when special circumstances make it highly inequitable or oppressive to enforce the regulations. 8A McQuillin, Municipal Corps, Sections 25.349 and 27.56; 3 Rathkopf, The Law of Zoning & Planning, 45-38. The defense of estoppel is based on a substantial burden of proof, a requirement to show that the agents of Baltimore County acted to induce reliance and that such reliance was to the owner's detriment to such an extent that enforcement of the BCZR would be "highly inequitable or oppressive". Zoning Commissioner v. Lescynski, 453, A.2d 1144 (Conn., 1982). Certainly, any such defense would be applicable and warranted here if any contradecision were to be determined.

The Petitioners seek relief pursuant to Section 500.7, BCZR.

After due consideration of the evidence and testimony presented, it is determined that a special exception exists for a restaurant on the subject property.

Pursuant to the advertisement, posting of property, and public hearing held, and for the reasons given above, the relief prayed for shall be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16<sup>th</sup> day of March, 1984, that the Petition for Special Hearing to approve a restaurant on the subject property be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners are bound by the restrictions set forth and the site plan submitted in Case No. 2506-S, except for an addition of a small storage room in the rear of the restaurant.
2. Any further additions shall require a public hearing to amend said site plan.

ARNOLD JABLON  
Zoning Commissioner of  
Baltimore County

G. Scott Barnight  
204 W. Pennsylvania Avenue  
Towson, Maryland 21204

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
1st day of February, 1984.

Petitioner Margaret R. Sudek  
Petitioner's Attorney G. Scott Barnight

ARNOLD JABLON  
Zoning Commissioner  
Received by: Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

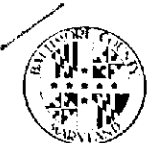


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- 2 -



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

March 21, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #205 (1983-1984)  
Property Owner: Margaret R. Sudek  
875 Bowley's Quarters Rd. 150' N.  
Glenwood Rd.  
Address: 310/239.2 X 200/273.97  
District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

Bowley's Quarters Road, an existing public road, is proposed to be further improved in the future as a 48-foot closed section roadway on a 70-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Storm Drains

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Item #205 (1983-1984)  
Property Owner: Margaret R. Sudek  
Page 2  
March 21, 1984

Water and Sanitary Sewer

There is a 16-inch public water main and 8-inch public sanitary sewerage in Bowley's Quarters Road.

Very truly yours,

*Robert A. Murch, P.E.*  
Robert A. Murch, P.E., Chief  
Bureau of Public Services

BAR:EAM:FWB:aw

2-W Key Sheet  
12 NE 42 Pm. Sheet  
NE 3 K Topo  
91 The Map

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: February 16, 1984

Norman E. Gerber, Director  
FROM: Office of Planning and Zoning

SUBJECT: Margaret R. Sudek - 84-228-SPH

In view of the subject matter of this request, this office takes no position for or against the subject request; however, it should be noted that the site plan lacks sufficient detail to be processed.

*Norman E. Gerber*  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG/SGH/sf

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
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*Norman E. Gerber*  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG/SGH/sf



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204 2586  
434-4300

DON H. REYNOLDS  
CHIEF

March 2, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Oremodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Margaret R. Sudek

Location: E/S Bowley's Quarters Road 150' N. Glenwood Road

Item No.: 205 Zoning Agenda: 2/14/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *Don H. Reynolds* Noted and Approved: *George M. Gannon*

Planning Group Fire Prevention Bureau

Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Nicholas G. Soderstrom, Zoning Department Date: March 1, 1984

FROM: G. R. Burdick, Chief, Plans Review CEB

SUBJECT: Zoning Advisory Committee Meeting

February 14, 1984

Item #203 See Comments

Item #204 Standard Comment

Item #205 No Comment

Item #206 See Comment

Item #207 See Comments

Item #208 See Comments

Item #209 Standard Comments

Item #210 See Comments

Item #211 See Comments

Item #212 See Comment

Item #213 No Comment

Item #214 See Comment

Item #215 See Comment

Item #216 See Comment

Item #217 See Comment

Item #218 See Comment

Item #219 See Comment

Item #220 See Comment

Item #221 See Comment

Item #222 See Comment

Item #223 See Comment

Item #224 See Comment

Item #225 See Comment

Item #226 See Comment

Item #227 See Comment

Item #228 See Comment

Item #229 See Comment

Item #230 See Comment

Item #231 See Comment

Item #232 See Comment

Item #233 See Comment

Item #234 See Comment

Item #235 See Comment

Item #236 See Comment

Item #237 See Comment

Item #238 See Comment

Item #239 See Comment

Item #240 See Comment

Item #241 See Comment

Item #242 See Comment

Item #243 See Comment

Item #244 See Comment

Item #245 See Comment

Item #246 See Comment

Item #247 See Comment

Item #248 See Comment

Item #249 See Comment

Item #250 See Comment



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
434-3350

ARNOLD JABLON  
ZONING COMMISSIONER

February 28, 1984

G. Scott Barlight, Esquire  
204 W. Pennsylvania Avenue  
Towson, Maryland 21204

Re: Petition for Special Hearing  
E/S Bowley's Quarters Rd., 150' N of  
Glenwood Rd. (401 Bowley's Quarters Rd.)  
Margaret R. Sudek - Petitioner  
Case No. 84-228-SPH

Dear Mr. Barlight:

This is to advise you that \$50.52 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 126885

DATE 3/6/84 ACCOUNT R-01-615-000

AMOUNT \$50.52

RECEIVED G. Scott Barlight, Esquire

Advertising & Posting Case #84-228-SPH

(Margaret R. Sudek)

0 033\*\*\*\*\*502210 8062A

VALIDATION OR SIGNATURE OF CASHIER

JUL 24 1984



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PETITION FOR SPECIAL HEARING  
15th Election District  
TOWSON, MD., February 16th, 1984

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 30 consecutive weeks before the first publication appearing on the 16th day of February, 1984.

THE JEFFERSONIAN,  
Manager

Cost of Advertisement, \$25.00

PETITION FOR SPECIAL HEARING  
15th Election District  
TOWSON, MD., February 16th, 1984

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time before the first publication appearing on the 16th day of February, 1984.

THE JEFFERSONIAN,  
Manager

Cost of Advertisement, \$25.00

Petition For Special Hearing  
15th Election District  
TOWSON, MD., February 16th, 1984

THE Times  
Middle River, Md., Feb 16 1984

This is to certify, that the annexed was inserted in THE Times, a newspaper printed and published in Baltimore County, once in each of 30 consecutive weeks before the first publication appearing on the 16th day of February, 1984.

Publisher

34-228-5PH

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15  
Date of Posting 2/18/84

Posted for: Margaret R. Sudek  
Petitioner: Margaret R. Sudek  
Location of property: 601 Bowley's Quarters Rd., 150' N of Glenwood Rd.  
Location of Sign: front of property (S. Sudek, Bowley's Quarters Rd.)

Remarks: None

Posted by: Arnold Jablon  
Number of Signs: 1  
Date of return: 2/24/84

February 7, 1984

G. Scott Barlight, Esquire  
224 W. Pennsylvania Avenue  
Towson, Maryland 21204

NOTICE OF HEARING  
Re: Petition for Special Hearing  
E/S Bowley's Quarters Rd., 150' N of  
Glenwood Rd. (601 Bowley's Quarters Rd.)  
Margaret R. Sudek - Petitioner  
Case No. 84-228-SPH

TIME: 10:45 A.M.  
DATE: Thursday, March 8, 1984  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

By Order of:  
Arnold Jablon  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE: REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 2/16/84 ACCOUNT: R-01-615000  
AMOUNT: 100.00

RECEIVED: Scott Barlight  
FOR: Margaret R. Sudek

100.00

VALIDATION ON SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING  
15th Election District  
TOWSON, MD., February 16th, 1984

LOCATION: East side Bowley's Quarters Road, 150' N. North of Glenwood Road (601 Bowley's Quarters Road)

DATE & TIME: Thursday, March 8, 1984 at 10:45 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve of a restaurant at 601 Bowley's Quarters Road, pursuant to a Special Permit granted by the Zoning Commissioner of Baltimore County on June 15, 1981.

Being the property of Margaret R. Sudek, individually and as Personal Representative of the Estate of Frank J. Sudek, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF:  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Map showing property location at Bowley's Quarters Road, 150' N. North of Glenwood Road (601 Bowley's Quarters Road).

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner  
TO: Office of Executive and Zoning  
FROM: Jan J. Forrest  
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Meeting - February 14, 1984

Item #203 - Larry T. Hall, Jr., et al  
Item #205 - Margaret R. Sudek  
Item #206 - Edward Wos, et ux  
Item #207 - Alice Koyala  
Item #208 - Joseph F. Ambrose, Sr.  
Item #209 - Abell Communications  
Item #210 - Security Mini Storage  
Item #211 - Charles R. Gebhard, et ux  
Item #213 - Charles Walters

Meeting - February 21, 1984

Item #215 - Anthony J. Moken, et ux  
Item #219 - Dale C. Vols  
Item #220 - Estate of Brian A. Singer

Meeting - March 6, 1984

Item #227 - James J. Ward, III

Meeting - March 20, 1984

Item #230 - James Forbes, et ux  
Item #232 - David J. Elvins, et ux

Jan J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

3/1 17/1th  
84-228-5PH



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BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. RINKLE  
CHIEF

March 2, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Margaret R. Sudek  
Location: E/S Bowley's Quarters Road 150' N. Glenwood Road  
Item No.: 205  
Zoning Agenda: 2/14/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. RINKLE  
CHIEF

March 2, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Margaret R. Sudek  
Location: E/S Bowley's Quarters Road 150' N. Glenwood Road  
Item No.: 205  
Zoning Agenda: 2/14/84

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( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. RINKLE  
CHIEF

March 2, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Margaret R. Sudek  
Location: E/S Bowley's Quarters Road 150' N. Glenwood Road  
Item No.: 205  
Zoning Agenda: 2/14/84

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( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. RINKLE  
CHIEF

March 2, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Margaret R. Sudek  
Location: E/S Bowley's Quarters Road 150' N. Glenwood Road  
Item No.: 205  
Zoning Agenda: 2/14/84

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( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3333

ARNOLD JADON  
ZONING COMMISSIONER

March 16, 1984

G. Scott Barhight, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

IN RE: Petition Special Hearing  
E/S of Bowley's Quarters Road,  
150' N of Glenwood Road (60'  
Bowley's Quarters Road) -  
5th Election District  
Margaret R. Sudek and the  
Estate of Frank J. Sudek,  
Petitioners  
Case No. 84-228-SPH

Dear Mr. Barhight:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,  
*[Signature]*  
ARNOLD JADON  
Zoning Commissioner

AJ/srl  
Attachments  
cc: People's Counsel

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 28, 1984

COUNTY OFFICE BLDG.  
111 W. Pennsylvania Avenue  
Towson, Maryland 21204

o/c  
Nicholas B. Commodari  
Chairman

MEMORANDUM  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

RE: Case No. 84-228-SPH (Item No. 205)  
Petitioner - Margaret R. Sudek  
Special Hearing Petition

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This hearing originated as a result of a request to approve a liquor license for this property. Since it is some residential, the Zoning Commissioner required this hearing to determine if the existing restaurant should be considered a nonconforming use.

As you are aware, this property was the subject of a previous zoning hearing Case #2006-S, which granted the existing use. In this order, restrictions were placed on development of this site. At the time of the scheduled hearing, you should have verification that these restrictions have been satisfied.

At the time of this writing, comments from members of this Committee were not available. If any comments are received in the future that offer information, they will be forwarded to you. Otherwise, they will be placed in the hearing file. This hearing was accepted on the date of the enclosed certificate and a hearing date scheduled accordingly.

Very truly yours,  
*[Signature]*  
NICHOLAS B. COMODARI  
Chairman  
Zoning Plans Advisory Committee

ENC: mch

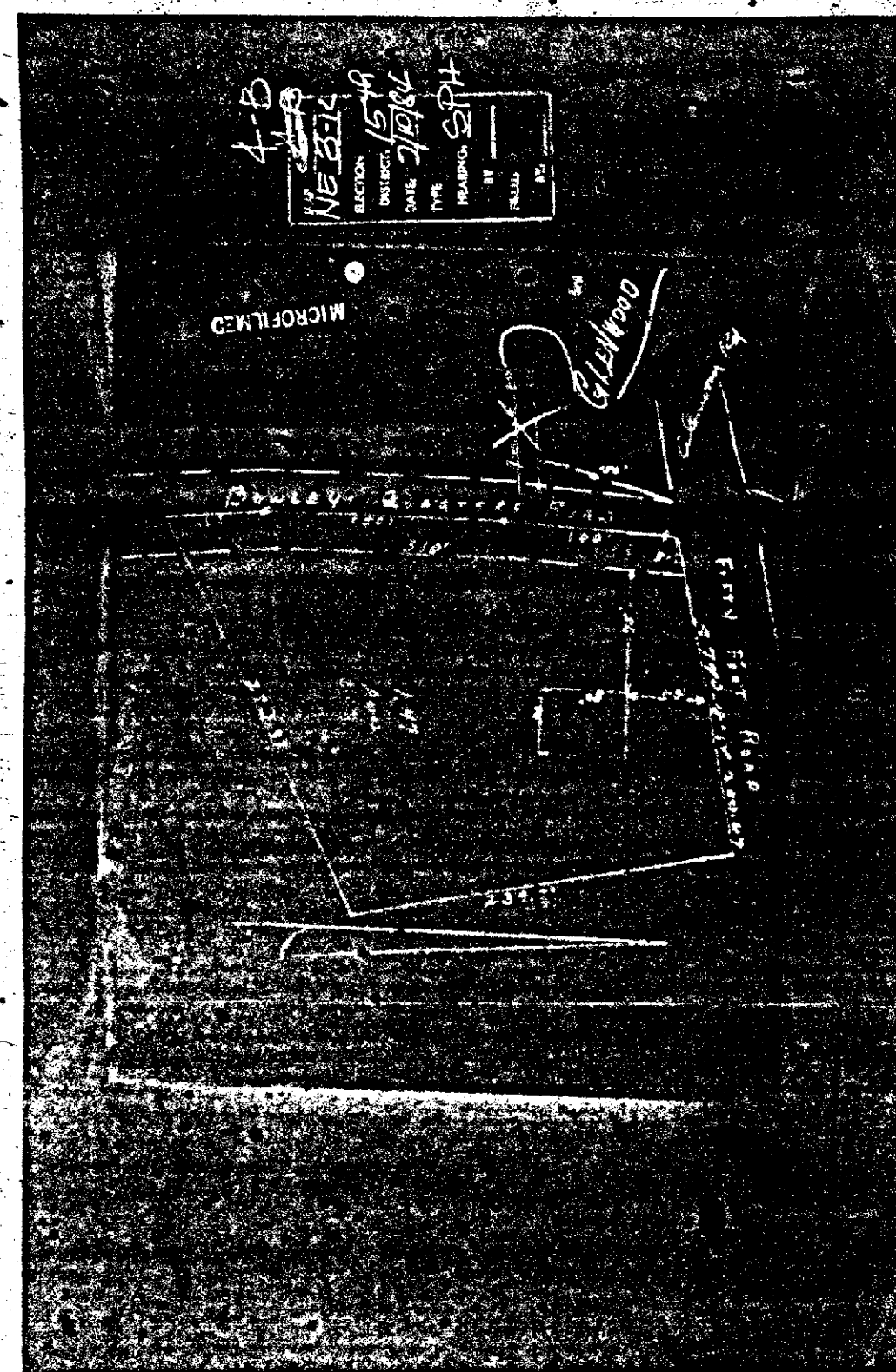
Description of 601 Bowley's Quarters Road,  
Baltimore, Maryland 21220

All that parcel of land on the east side of Bowley's Quarters Road, 150 feet north of Glenwood Road, thence southerly, on the east side of Bowley's Quarters Road, 310 feet, thence North 62 degrees, 9 feet east 273.97 feet, thence North 13 degrees, 42 feet west 239.2 feet, thence 200 feet to the point of beginning.

Margaret R. Sudek, Petitioner  
January, 1984

Map showing the location of 601 Bowley's Quarters Road, Baltimore, Maryland 21220. The map includes a street grid and a highlighted area representing the property. A north arrow is present. The map is titled "Map of 601 Bowley's Quarters Road, Baltimore, Maryland 21220".



[illegible][illegible]